UNITED STATES DISTRICT COURT DISTRICT OF SOUTH CAROLINA

Bobby C. Jenkins,) C/A No.: 4:14-cv-02711-RMG-KDW
Plaintiff,)))
v.) AMENDED ORDER) REGARDING PLAINTIFF'S
Bryan Shirley, Director of SCDC; Dr.) FIRST MOTION TO AMEND (ECF No. 42)
McRee; Dr. Zubel; Dr. Lee; Dr. Pinto;) (partially amending ECF No. 61 as to newly
Dr. Hanz; Dr. Lewis; RN Harper; NP) added Defendants)
Enloe; Terry L. Andrews, Nurse Admin.)
II; Sam Soltis, Assistant Director of)
Health Services; Maria Leggins,)
Administrative Coordinator; and Janice)
Phillips, Administrative,	
Defendants	

In an order dated December 19, 2014, the court granted Plaintiff's Motion for Leave to File an Amended Complaint (ECF No. 42), in which he sought to add three additional defendants to his Complaint. Order, ECF No. 61. In granting Plaintiff's Motion to Amend, the court instructed the Clerk to attach ECF No. 61 to Plaintiff's Complaint, ECF No. 1, as a supplemental pleading. The Clerk has now done so. ECF No. 1-2. Defendants were advised that they were to respond or otherwise plead to Plaintiff's Supplemental Pleading in accordance with Rule 15(a)(3) of the Federal Rules of Civil Procedure and that the time for such response would begin to run and service would be effected when the Clerk attached Plaintiff's Motion, ECF No. 42, to Plaintiff's Complaint. See ECF No. 61 at 2. That instruction remains in effect for Defendants who have already been served (the "Current Defendants").

This Order contains additional directives regarding service on the three parties added when Plaintiff's Motion to Amend was granted: Sam Soltis; Maria Leggins; and Janice Phillips. All of the Current Defendants are SCDC employees who have been served formally with process and have now appeared in this case through the same counsel. Under the circumstances, it is reasonable to assume, though not a certainty, that counsel for the Current Defendants will also be employed to represent the newly added Defendants, all of whom appear to be SCDC employees. Unless the formal issuance of process and personal service for the three newly added Defendants is waived, this case will necessarily be delayed and will require additional expenditure of court resources through the time and effort required to enlist the assistance of the United States Marshal Service to personally serve Defendants Soltis, Leggins, and Phillips. Such delay and expenditure of resources would be reduced if counsel for the Current Defendants can waive

formal service of process and enter an appearance on behalf of the three newly added Defendants.

TO COUNSEL FOR CURRENT DEFENDANTS:

No later than **January 6, 2015**, counsel for Current Defendants is to file a notice with the court indicating whether counsel can and will waive formal service of process and enter an appearance on behalf of the newly added Defendants. In the event counsel accepts service for the newly added Defendants, the time for responding to the Complaint and Supplemental Pleading will begin running at that time. *See* Fed. R. Civ. P. 15(a)(3).

TO THE CLERK OF COURT:

The Clerk of Court is directed to add Sam Soltis, Maria Leggins, and Janice Phillips to the list of Defendants on the docket.

The Clerk of Court is also directed that if counsel for the Current Defendants files a notice indicating that service of process is waived on behalf of the three newly added Defendants, this case shall proceed in the usual course. However, if current Defendants' counsel files a notice indicating that he *does not* waive formal issuance of process and service on Defendants Soltis, Leggins, and/or Phillips, then this case should be returned to the undersigned for preparation and issuance of additional formal orders required to effect formal service of process on these three Defendants.

IT IS SO ORDERED.

December 23, 2014 Florence, South Carolina Kaymani D. West United States Magistrate Judge

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